

REMARKS

The present Amendment amends claims 1, 3 and 8-11 and leaves claims 2 and 4-6 unchanged. Therefore, the present application has pending claims 1-6 and 8-11.

Claims 1-6 and 8-11 stand rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as their invention. Various amendments were made throughout claims 1-6 and 8-11 to bring them into conformity with the requirements of 35 USC §112, second paragraph. Therefore, Applicants submit that this rejection is overcome and should be withdrawn.

Specifically, amendments were made to the claims so as to eliminate the use of the phrase "kept independent". Therefore, the claims as now written sufficiently describes the meets and bounds of the claimed invention so as to apprise the public of Applicants intended invention.

The Examiner's cooperation is respectfully requested to contact Applicants' Attorney by telephone should any further indefinite matter be discovered so that appropriate amendments may be made.

Claims 1, 6, 8 and 10 stand rejected under 35 USC §103(a) as being unpatentable over Campbell (U.S. Patent No. 5,918,209) in view of Okawa (U.S. Patent No. 5,933,810); claim 2 stands rejected under 35 USC §103(a) as being unpatentable over Campbell in view of Okawa and further in view of an alleged Office Notice that it is common practice in the perishable goods industry to create a directly proportional relationship between demand and marginal value for the purposes of estimating materialization and revenue;

and claims 3-5, 9 and 11 stand rejected under 35 USC §103(a) as being unpatentable over Campbell, Okawa and further in view of Lynch (U.S. Patent No. 6,119,094). These rejections are traversed for the following reasons. Applicants submit that the features of the present invention as now more clearly recited in the claims are not taught or suggested by Campbell, Okawa, the alleged Official Notice and Lynch whether taken individually or in combination with each other as suggested by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw these rejections.

Amendments were made to each of the independent claims to more clearly recite the features of the present invention not taught or suggested by any of the references of record whether taken individually or in combination with each other. Particularly, amendments were made to each of the independent claims so as to more clearly recite as illustrated, for example, in Fig. 7 of the present application that means is provided for deciding a logical resource corresponding to a service type that includes a service booking request based on service attribute information that holds a correspondence relationship between the service type and the logical resource and means is provided for deciding allocation of a physical resource for filling the decided logical resource based on resource management information that holds a correspondence relationship between the logical resource, the physical resource and an attribute of the physical resource wherein the logical resource specifies an attribute of the physical resource necessary for implementing a service specified by the service type.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record whether taken individually or in combination with each other.

Numerous arguments were presented distinguishing the features of the present invention from the references of record, particularly Campbell, Okawa, the alleged Official Notice and Lynch, in the Remarks of the June 9, 2003, January 28, 2004, April 28, 2004, December 13, 2004 and September 28, 2005 Amendments, said Remarks are incorporated herein by reference.

It is particularly noted that in each of the Remarks of the above noted Amendments, Applicants traversed the alleged Official Notice by the Examiner and requested that the Examiner comply with the requirements of MPEP 2144.04 to provide support for the Official Notice. This section of the MPEP specifically requires that upon a traversal by Applicants the Examiner is required to specifically identify a prior art reference that teaches that the alleged Official Notice is in fact well known. Since the Examiner has not complied with this basic requirement the alleged Official Notice carries no weight should this application be appealed to the Board for final decision. Accordingly, the Examiner is again requested to prove by evidence that the alleged Official Notice is in fact well known. The Examiner's mere allegation in this regard does not suffice.

In paragraphs 9-13 of the Office Action the Examiner provided responses to the arguments presented by Applicants as set forth in the Remarks of the September 28, 2005 Amendment. In response, Applicants hereby provide the following counter arguments.

The term “marginal value” described as an economic term in Campbell, at col. 1, lines 21-24 indicates “minimum possible revenue for maximizing profit, when one unit of an object for sale is added”. This is a theory for deciding on a price as an indicator concerning action to be taken by a supplier facing a declining demand curve (a curve in which demand is decreasing with respect to price), as shown in Figs. 7 and 11A of Campbell. The declining demand curve shows that demand decreases when the price is raised, and demand increases when the price is lowered, and the theory is such that by setting an appropriate price (by setting a price such that the price is lowered, and the marginal value become equal), the supplier facing this type of demand curve can decide a supply quantity and a price at which maximum profit can be obtained.

From this viewpoint, even when multiple reservation requests occur at the same time, a judgment should be made as to whether or not the reservation is feasible based on the reservation request price, and with a judgment should be made as to whether or not a reservation is feasible with an attribute outside of the price, causing the supplier to not obtain maximum profit. For example, if the price indicated by the multiple reservation requests is higher than the marginal value, in order to maximize profit, then each of the reservation requests should be accepted. Further, if the price indicated by the reservation requests is lower than the marginal value, then this type of reservation request should be refused (according to profit maximizing theory based on marginal value, if the supplier acts based on these types of prices, the demand quantity is adjusted automatically.)

As a result, the allegation by the Examiner that "one of ordinary skill in the art would have been motivated to substitute this technique for the purpose of improving efficiency by automatically making arrangements when duplicate reservations are received", based on linking Okawa to Campbell, completely disregards and is not in any way supported by the theory for generating maximum profit in Campbell. Accordingly, the teachings of Okawa cannot be combined with Campbell as alleged by the Examiner.

Campbell discloses at col. 7, lines 43-61 the following that the purpose of the MVS 16 is to determine system-wide optimal marginal values for use by the airline revenue management system 15. The MVS 16 periodically receives a demand forecast, passenger value and the supply of seats remaining to be booked for selected future flight leg departures as inputs from the airline revenue management system 15. The passenger value is a function of the booking class, point of sale and the flight path based on origin and destination. The supply of seats remaining to be booked is calculated from the capacity of the airplane assigned to the flight leg departure minus the seats already booked plus an overbooking factor to account for cancellations and no-shows.

In this way, the "marginal value" of Campbell is periodically derived for each flight leg, based on the MVS 16 demand forecast, passenger value (the monetary amount presented by a passenger), and the number of remaining seats on each flight leg. That is, the marginal value indicates the state of the flight leg (the relationship between the number of seats and the price). Accordingly, since the marginal value of Campbell is not a function of a reservation request, it cannot take into consideration and derive the

necessary response and resources to properly fulfill a reservation request as in the present invention.

Furthermore, Okawa discloses at col. 3, lines 63-67 that the importance degree determination unit 4 calculates the degree of importance of the first reservation according to the requirements of the first reservation, and the degree of importance of the second reservation according to the information of the second reservation.

In addition, Okawa discloses at col. 4, lines 36-39 that the CPU 11 automatically determines the degree of importance of a reservation according to the entered requirements of the reservation and the standards for determining the degrees of importance stored in the memory 12.

Accordingly, the degree of importance of a reservation in Okawa's disclosure is respectively derived from a reservation (first reservation) that is an object of judgment as to whether or not a reservation is feasible, and an already established reservation (second reservation) held in the STORAGE UNIT 3. The respective degrees of importance of reservations that are derived may be said to literally indicate the nature of the reservation request. In this regard, the marginal value of Campbell indicates the state of the flight leg (a function of the seats and price), not the nature of the reservation request, while the degree of importance of Okawa indicates the nature of the reservation. The meanings of these two are completely different, and the degree of importance of Okawa cannot be used to derive the marginal value of Campbell.

Thus, based on the above, Okawa's method cannot be used as a method to derive the marginal value of Campbell as apparently being alleged by the Examiner.

Thus, Campbell and Okawa fail to teach or suggest an importance degree determining element adapted to determine, in accordance with at least one of attribute of the users, status information of the services including low level and social factors and attributes of the services, a degree of importance of the service booking request accepted by the first acceptance element as recited in the claims.

Further, both Campbell and Okawa fail to teach or suggest a reservation taking element adapted, when a load level, which is determined depending upon the reservation condition managed by the reservation condition management element, of resources used for supplying object services related relative to the service booking element accepted by the first acceptable element is higher than a predetermined level, to deny the acceptable of service booking request if the degree of importance of the service booking request determined by the importance degree determining element is lower than a predetermined importance degree determined by a predetermined standard and to permit the acceptance of the service booking request if the degree of importance of the service booking request determined by the importance degree determining element is not lower than predetermined importance degree as recited in the claims.

Still further, both Campbell and Okawa fail to teach or suggest that a service resource allotting element adapted to select a combination among combination of resources which includes data accumulation resources, data

transmission resources and data processing resource to allot resource which constitute the combination thus selected to the reservation of the service whose reservation was taken as recited in the claims.

Even further, both Campbell and Okawa fail to teach or suggest means for deciding a logical resource corresponding to a service type that includes a service attribute request based on service attribute information that holds a correspondence relationship between the type and the logical resource and means for deciding allocation of a physical resource for filling the decided logical resource based on resource management information that holds a correspondence relationship between the logical resource, the physical resource and an attribute of the physical resource, wherein the logical resource specifies an attribute of the physical resource necessary for implementing a service specified by the service type as recited in the claims.

Therefore, as is quite clear from the above, the combination of Campbell and Okawa fails to teach or suggest the features of the present invention as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 USC §103(a) rejection of claims 1, 6, 8 and 10 as being unpatentable over Campbell in view of Okawa is respectfully requested.

The above noted deficiencies of both Campbell and Okawa are not supplied by the alleged Official Notice or Lynch. Therefore, combining the teachings of Campbell and Okawa with at least one of the alleged Official Notice and Lynch still fails to teach or suggest the features of the present invention as now more clearly recited in the claims.

Lynch is merely relied upon by the Examiner for an alleged teaching or preparing a substitute plan. However, at no point in Lynch is there any teaching of the above described features now more clearly recited in the claims shown above not to be taught or suggested by Campbell and Okawa. Therefore, even if Lynch teaches what is alleged by the Examiner, which it does not, combining Lynch with Campbell and Okawa would still be deficient of the above described features of the present invention shown above not taught or suggested by Campbell or Okawa. Accordingly, the same arguments presented above with respect to Campbell and Okawa apply as well to Lynch.

The alleged Official Notice is a mere unsupported allegation by the Examiner and at this point is not entitled to any weight until the Examiner proves by evidence that such is in fact true. The Examiner's mere statement is insufficient in this regard.

Therefore, the combination of Campbell and Okawa with at least one of the alleged Official Notice and Lynch fail to teach or suggest the features of the present invention as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 USC §103(a) rejection of claim 2 as being unpatentable over Campbell in view of Okawa and the alleged Official Notice and the 35 USC §103(a) rejection of claims 3-5, 9 and 11 as being unpatentable over Campbell in view of Okawa and Lynch is respectfully requested.

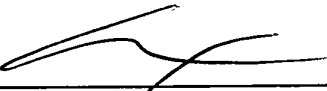
The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 1-6 and 8-11.

In view of the foregoing amendments and remarks, applicants submit that claims 1-6 and 8-11 are in condition for allowance. Accordingly, early allowance of claims 1-6 and 8-11 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (566.38876X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



Carl I. Brundidge
Registration No. 29,621

CIB/jdc
(703) 684-1120